

# ANDREWS & BEARD

LAW OFFICES

DAVID P. ANDREWS  
CARL P. BEARD  
ROBERTA BINDER HEATH  
PATRICK J. FANELLI  
AIMEE L. WILLETT

ROBERTA BINDER HEATH

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DIRECT DIAL: 814.940.8670  
FAX: 814.943.0856  
rbheath@andrewsbeard.com

VIA FACSIMILE: 814-451-1142

Caleb Nichols  
PO Box 1585  
Erie PA 16507

## Re: Conciliation of various discovery issues

Dear Mr. Nichols,

In accordance with the local rules of Civil Procedure kindly treat this letter as an attempt to conciliation relative to various discovery issues. Relative to the tax returns I understand that we have already discussed that and you have indicated that you would not be willing to present that information without my having to go through the court, file a motion and obtain a court order concerning same.

However, there are other issues that remain outstanding. As you will recall the continuation of Ms. DeLeon deposition and through out the discovery process you have continually referenced various arbitration decisions. Thus, I believe it is important that we file a motion with the judge if we cannot agree on how to proceed to clarify how Judge McLaughlin intends to utilize the information from the arbitration decisions in whether it would in fact be considered collateral estoppel on certain issues or not even be entertained as a matter of evidence. It is my position that it is improper for you to continually refer to the arbitration decisions as being determinative on the issues underlying the Federal Complaint. Kindly contact me at your earliest convenience to discuss same.

Very Truly Yours,

  
Roberta Binder Heath

RBH/nrs  
cc Micheal Dileky  
Lori Metka

www.andrewsbeard.com

3366 LYNNWOOD DRIVE PO BOX 1311 ALTOONA, PENNSYLVANIA 16603-1311 814.943.3304 FAX 814.943.3430  
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